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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,943	C	09/19/2003	Lin Lu Healy	42133-00009USC1	9758
21875	7590	08/10/2005	,	EXAMINER	
ARTHUR			MULCAHY, PETER D		
LAW OFFIO		THUR M DULA	ART UNIT	PAPER NUMBER	
HOUSTON, TX 77009				1713	
			DATE MAILED: 08/10/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Peter D. Mulcahy The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply sepecified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 17 June 2005.		Application No.	Applicant(s)				
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1)⊠ Responsive to communication(s) filed on <u>17 June 2005</u> .	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. I the mailing date of this communication. D (35 U.S.C. § 133).				
	Status						
2a) ☐ This action is FINAI 2b) ☑ This action is non-final	1)⊠ Responsive to communication(s) filed on <u>17 Ju</u>	<u>ıne 2005</u> .					
Za) This action is the AE. Zb) This action is not find.	2a) ☐ This action is FINAL . 2b) ☒ This	•					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is	3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
Disposition of Claims	Disposition of Claims						
4)⊠ Claim(s) <u>28-43 and 48</u> is/are pending in the application.	4)⊠ Claim(s) <u>28-43 and 48</u> is/are pending in the ap	plication.					
4a) Of the above claim(s) is/are withdrawn from consideration.		•					
5) Claim(s) is/are allowed.	5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>28-43 and 48</u> is/are rejected.	6)⊠ Claim(s) <u>28-43 and 48</u> is/are rejected.		•				
7) Claim(s) is/are objected to.		•	,				
8) Claim(s) are subject to restriction and/or election requirement.	8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers	Application Papers						
9) ☐ The specification is objected to by the Examiner.	9) ☐ The specification is objected to by the Examine	r.	*				
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.	10)☐ The drawing(s) filed on is/are: a)☐ acce	epted or b) objected to by the I	Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).	Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).	Replacement drawing sheet(s) including the correcti	ion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).				
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.	11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119	Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of:		priority under 35 U.S.C. § 119(a))-(d) or (f).				
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).	• •	`					
* See the attached detailed Office action for a list of the certified copies not received.	See the attached detailed Office action for a list (or the certified copies not receive	ca.				
	•						
Attachment(s)		, 	(
1) Unotice of References Cited (PTO-892) 2) Interview Summary (PTO-413) Paper No(s)/Mail Date							
Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Solution of Statement (s) (PTO-1449 or PTO/SB/08) Solution of Statement (s) (PTO-152) Solution of Statement (s)	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal P					

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Art Unit: 1713

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 3. Claims 28-43 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 91/05014.

The cited document teaches gel compositions which can be based upon the claimed polymer compound, see the abstract and the disclosure at pages 3-4. The claimed ester is rendered obvious by the listing of additive materials at page 5 of the disclosure. The exclusion of mineral oil is obvious from this disclosure as well. As such, the claims are rendered prima facie obvious from this disclosure.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter D. Mulcahy whose telephone number is 571-272-1107. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Péter D///Mylcahy Primary Examiner Art Unit 17/13

pdm 8/5/05